

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOSUE SOTO Individually , on Behalf of  
All Others Similarly Situated, and on  
Behalf of the General Public ,

Plaintiff,

v.

DIAKON LOGISTICS (DELAWARE),  
INC.,

Defendant,

AND RELATED COUNTERCLAIM  
AND THIRD-PARTY COMPLAINT.

Civil No. 08cv33-L(AJB)

**ORDER GRANTING JOINT  
MOTION TO CONSOLIDATE  
BRIEFING SCHEDULES AND  
HEARING DATES ON MOTIONS  
TO DISMISS**

On June 24, 2008, the parties filed a Joint Motion to Consolidate Briefing Schedules and Hearing Dates on Motions to Dismiss, which seeks to consolidate the briefing and hearing on the motion to dismiss amended counterclaim, currently set for July 21, 2008 (doc. no. 41) and motion to dismiss amended third-party complaint, currently set for August 11, 2008 (doc. no. 45). Specifically, the parties request that the briefing and hearing on the motion to dismiss amended counterclaim be continued to the same dates as the briefing and hearing on the motion to dismiss amended third-party complaint. The two motions raise essentially the same challenges to the amended counterclaim and amended third-party complaint, both of which are based on an indemnification clause. For good cause shown, the joint motion is **GRANTED**.

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1           **IT IS HEREBY ORDERED** as follows:

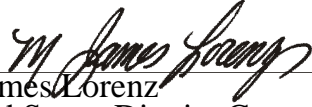
2           1. The hearing on motion to dismiss amended counterclaim (doc. no. 41) is hereby  
3 **CONTINUED** to August 11, 2008 at 10:30 a.m.

4           2. Papers in opposition to motion to dismiss amended counterclaim and motion to  
5 dismiss amended third-party complaint shall be filed and served no later than July 28, 2008. In  
6 order to eliminate duplication, the arguments in opposition to both motions shall be contained in  
7 a single memorandum of points and authorities not to exceed twenty-five pages. *See* Civil Local  
8 Rule 7.1(h).

9           3. Reply papers as to both motions shall be filed and served no later than August 4, 2008.  
10 The reply arguments in support of both motions shall be contained in a single memorandum of  
11 points and authorities not to exceed ten pages. *See id.*

12           **IT IS SO ORDERED.**

13  
14 DATED: June 25, 2008

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16   
M. James Lorenz  
United States District Court Judge

17 COPY TO:

18 HON. ANTHONY J. BATTAGLIA  
19 UNITED STATES MAGISTRATE JUDGE

20 ALL PARTIES/COUNSEL  
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